

REMARKS/ARGUMENTS

Claims 1-45 remain pending in the application, wherein claims 1, 2, 5, 13, 14, 16, 17, 21-23, 27-32, 34-36, 39-41, 44 and 45 have been amended in order to better maintain unity of invention in view of the Restriction Requirement. No claims were cancelled or added.

The Restriction Requirement requires Applicants to elect one of the following four inventions said to be patentably distinct:

- I. Claims 1-26, drawn to a soil binding and revegetation composition, classified in class 106, subclass 124.1.
- II. Claims 27-33, drawn to a precursor composition for use in manufacturing a soil binding and revegetation composition, classified in class 252, subclass 88.1
- III. Claims 34-37, drawn to a method of manufacturing a soil binding and revegetation composition, classified in class 77, subclass 11.
- IV. Claims 38-45, drawn to a method of treating soil so as to facilitate revegetation thereof, classified in class 405, subclass 264.

In response to the foregoing Restriction Requirement, Applicants elect claims 1-26, which are drawn to a soil binding and revegetation composition, without traverse.

Notwithstanding the foregoing election, Applicants point out that claim 1 has been amended in order to be generic to both Invention I and Invention II (*i.e.*, a composition that does not require water is generic to the soil binding and revegetation composition of Invention I and the precursor composition of Invention II). Indeed, claim 27, previously written in independent form, has been amended so as to now depend from claim 1. As such, claims 1-33 can now be examined as a single invention as they are no longer patentably distinct as combination and subcombination. *See* MPEP § 806.05(c)(II).

In addition, method claim 34 has been amended in order to depend from claim 29, which is identical in scope to previously pending claim 1, and recites a method of manufacturing the composition of claim 29. Claim 38 recites a method of using the composition of claim 1.

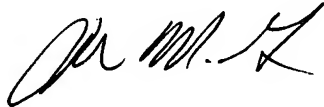
According to the MPEP, a claim to a method for manufacturing or using a patentable composition is suitable for rejoinder and should be allowed in the event the composition claim is found to be allowable, so long as the method claim is commensurate in scope with the allowable

composition claim. MPEP § 821.04. Because independent claims 34 and 38 recite every element of the underlying composition claims from which they depend, they would be allowable for at least the same reason as the underlying composition claims. Applicants therefore request rejoinder and allowance of method claims 34-45 in the event that composition claims 1-33 are found to be allowable, following the rule articulated in MPEP § 821.04.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview or which may be overcome by examiner amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 18th day of July 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John M. Gynn", is written above the printed name.

JOHN M. GYNN
Registration No. 36,153
Attorney for Applicant
(801) 533-9800

JMG:mla
JMG0000000706V001